

AMENDMENTS TO THE DRAWINGS:

The attached drawings include changes to FIG. 12. The replacement sheet containing FIG. 12 replaces the original sheet including FIG. 12. In FIG. 12 as filed, the boxes with reference numerals 25 and 26 contained the same text. The box with reference numeral 25 has been revised to correspond to the text on page 26, lines 21-24 of the specification.

For the convenience of the Examiner, an annotated sheet showing the changes made is attached. Approval of these changes to the drawings is respectfully requested.

REMARKS

In the June 23, 2005 Office Action, the Examiner indicated that claims 1-3, 6-8, 10, 11 and 13-16 were pending in the application; objected to claims 15 and 16 under 37 CFR § 1.75(c); and rejected claims 1-3, 6-8, 10, 11 and 13-16 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,482,178 to Giovannoli; 6,078,897 to Rubin et al. (References G and H, respectively in the July 12, 2004 Office Action); 6,317,727 to May (Reference A in the December 21, 2004 Office Action); and 6,598,027 to Breen, Jr. et al. (Reference A in the June 23, 2005 Office Action) were cited. Claims 15 and 16 have been cancelled and thus, claims 1-3, 6-8, 10, 11, 13 and 14 remain in the case. The Examiner's rejections are traversed below.

Objection under 37 CFR § 1.75(c)

On page 2 of the Office Action, the Examiner objected to claims 15 and 16 under 37 CFR § 1.75(c). Claims 15 and 16 have been cancelled. Therefore, the objection is moot.

Rejections under 35 USC § 103(a)

On pages 3-6 of the Office Action, claims 1-3, 6-8, 10, 11 and 13 were rejected under 35 USC § 103(a) as unpatentable over Giovannoli in view of May and further in view of Breen, Jr. et al. In making this rejection, it was acknowledged that Giovannoli does not disclose a system rejecting "trade with each restricted purchaser when the trade amount corresponding thereto for a past period is less than a predetermined threshold" (claim 1, lines 13-14). It was asserted that such an operation was disclosed by the words "Minimum Purchase" corresponding to reference numeral 1102g in Fig. 14A of Breen, Jr. et al. as described at column 17, lines 29-42. The cited portion of Breen, Jr. et al. similarly contains the words "Minimum Purchase" on line 38, along with a list of the other words in Fig. 14A. The explanation of what is meant by "minimum purchase" provided at column 16, lines 14-16 for field 1036g of Fig. 12B is "the minimum number of pallets of a product that the seller is willing to sell in one order." According the text in column 17, the information in Fig. 14A is what is displayed to a purchaser from information provided by the seller. Thus, the "minimum purchase" illustrated in Fig. 14A is the same information input into field 1036g of Fig. 12B.

Thus, the words "minimum purchase" in Breen, Jr. et al. relate to the minimum amount that can be ordered, not a minimum amount purchased in the past by a customer. It is submitted that what is taught by Breen, Jr. et al. provides no suggestion of determining "when the trade amount ... for a past period is less than a predetermined threshold" as recited on lines 13-14 of claim 1. Since the Examiner acknowledged that the other cited prior art does not teach

this limitation, it is submitted that claim 1 patentably distinguishes over the applied art for the reasons discussed above. The other independent claims include a limitation similar to that found in claim 1 and discussed above; therefore, it is submitted that all of the pending claims patentably distinguish over the prior art.

Furthermore, claim 1 has been amended to add additional details of the operations illustrated in Figs. 12 and 15A-15D, as described on pages 25-28. Nothing has been found in any of the cited references teaching or suggesting a system which allows a plurality of sellers and purchasers to interact while providing controls for sellers regarding which purchasers are able to see product information as being offered by each seller by performing the operations recited on the last six lines of claim 1. Therefore, it is submitted that claim 1 and claims 2, 3 and 14 which depend therefrom further patentably distinguish over the applied art.

On pages 6-7 of the Office Action, claims 14-16 were rejected under 35 USC § 103(a) as unpatentable over Giovannoli in view of May and further in view of Rubin et al. As noted above, claims 15 and 16 have been cancelled and thus, the rejection of these claims is moot. Therefore, only the rejection of claim 14 will be discussed below.

First, claim 14 depends from claim 1 and, as noted above, the Examiner has acknowledged that Giovannoli (and impliedly May) does not disclose restricting sales to purchasers "when the trade amount corresponding thereto for a past period is less than a predetermined threshold" (claim 1, lines 13-14). Nothing was cited in Rubin et al. suggesting that such restriction of sales was disclosed therein. Furthermore, nothing has been found in Rubin et al. that teaches or suggests the limitations recited on the last six lines of claim 1. Therefore, it is submitted that claim 14 patentably distinguishes over the applied art for all of the reasons discussed above with respect to claim 1.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-3, 6-8, 10, 11, 13 and 14 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/729,950

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 9/23/05

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

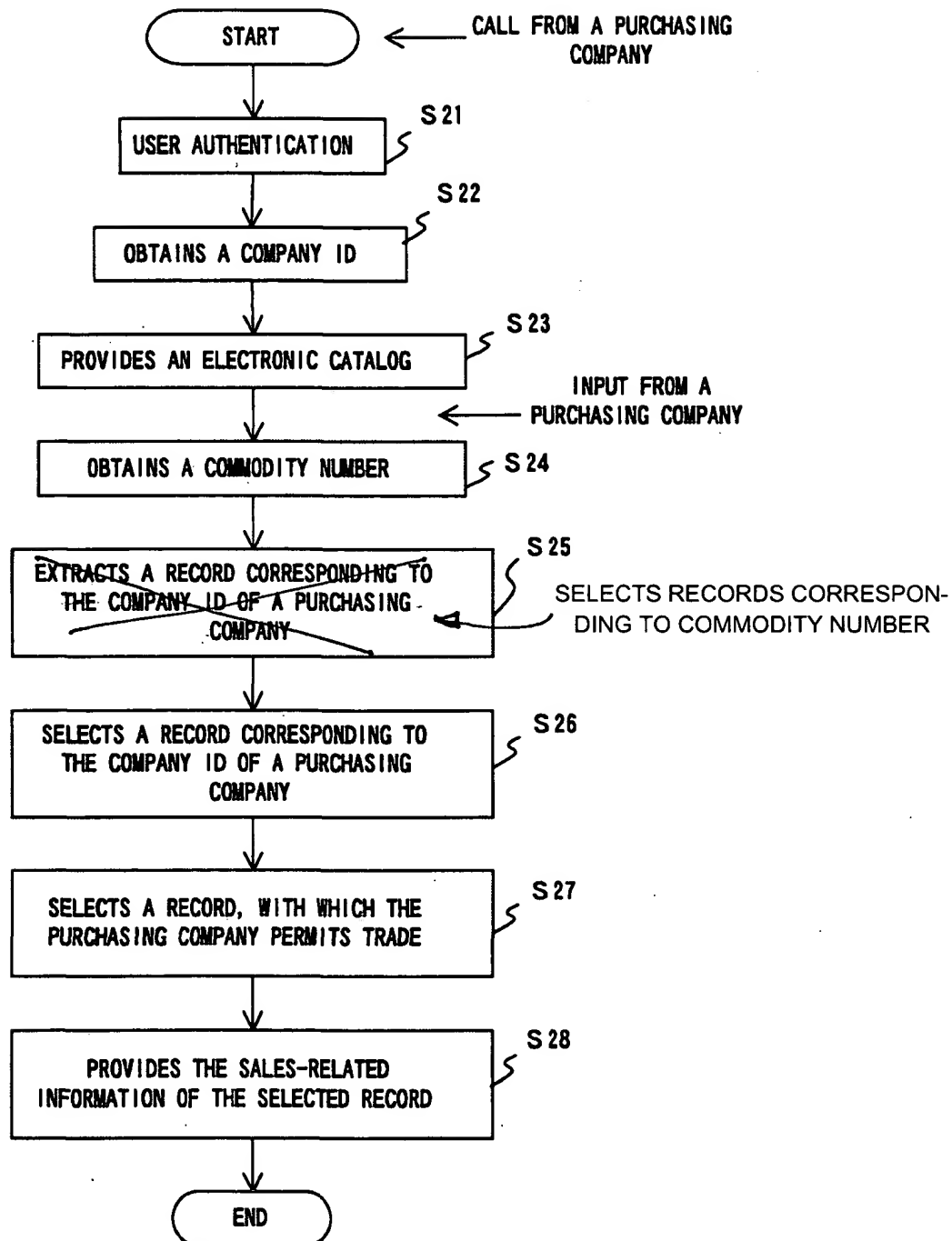


FIG. 12